

Message Text

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ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 (ISO) W
-----035778 232302Z /64

R 201209Z APR 78
FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 7942
INFO USMISSION USUN NEW YORK
USMISSION GENEVA
AMEMBASSY KUWAIT
AMEMBASSY MUSCAT

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E.O. 11652: N/A
TAGS: PLOS IR
SUBJ: LOS: IRANIAN COMMENTARY

1. AS BACKGROUNDER TO ON-GOING LOS MEETING AND MARINE ENVIRONMENTAL PROTECTION CONFERENCE IN KUWAIT, KAYHAN INTERNATIONAL ON SPRIL 18 PUBLISHED ARTICLE BY STAFF CORRESPONDENT SHAHIN MOSSAVAR-RAHMANI.
 2. ARTICLE, BEING POUCHED D/LOS AND LOS-GENEVA, REVIEWS GOI POSITION ON TERRITORIAL WATERS NOTING THAT BILATERAL AGREEMENTS ARE IN FORCE BETWEEN IRAN AND HER NEIGHBORS IN CASPAIN SEA, PERSIAN GULF, AND SEA OF OMAN REGIONS. THUS, "FINAL OUTCOME ON MANY SEA LAW ISSUES MAY NOT AFFECT IRAN SIGNIFICANTLY" ACCORDING TO MOSSAVAR-RAHMANI. IN THE SAME WAY, EXPLORATION AND EXPLOITZTION OF NATURAL RESOURCES AND FISHING IN AREA BEYOND TERRITORIAL LIMIT (IN IRAN'S CASE, 12 N.M.) AND
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WITHIN CONTINENTAL SHELF IS BEING SHARED BY IRAN AND HER NEIGHBORS BY DRAWING " A MEDIAN LINE, EVERY POINT ON WHICH IS EQUIDISTANT FROM THE NEAREST POINT ON THE COASTLINE OF BOTH STATES" AND IS NOT DEPENDENT ON A FINAL LOS TREATY. THIS "MEDIAN LINE" FORMULA ALSO APPLIES TO THE SEA OF OMAN WHERE, UNLIKE THE PERSIAN GULF, THE CONTINENTAL SHELF DROPS OFF SHARPLY (FYI: MFA SOURCE, CONFIRMED THAT

SUCH BILATERAL AGREEMENTS HAVE NOT AS YET BEEN CONCLUDED WITH ALL LITTORAL STATES.).

3. WITH REGARD TO RIGHTS OF PASSAGE, THE ARTICLE STATES, "IRAN HAS ALSO SUPPORTED THE ISSUE OF FREE PASSAGE OF SHIPS ON ROUTES THAT FALL WITHIN A COUNTRY'S TERRITORIAL LIMIT. THE SO-CALLED LAW OF FREE PASSAGE APPROVED IN 1958 STATES THAT SHIPS OF ALL NATIONS MAY ENJOY THE RIGHT OF FREE PASSAGE THROUGH EACH OTHERS' TERRITORIAL WATERS AS LONG AS IT IS NOT 'PREJUDICIAL TO THE PEACE, GOOD ORDER OR SECURITY' OF THE COASTAL STATE, AND CONFORMS WITH OTHER ARTICLES OF INTERNATIONAL LAW. THE STRAITS OF HORMOZ, WHICH LIE WITHIN IRAN'S JURISDICTION, IS AN EXAMPLE OF THE LAW OF FREE PASSAGE IN ACTION."

4. COMMENT: RE FINAL SENTENCE ABOVE, GOI OF COURSE SHARES STRAITS OF HORMOZ WITH OMAN, AND IT WOULD THEREFORE BE MORE PRECISE TO STATE THAT THE STRAITS LIE "PARTIALLY WITHIN IRAN'S JURISDICTION". LATEST INFORMATION AVAILABLE HERE (77 MUSCAT 647) INDICATES THAT OMANGOV DOES NOT FAVOR "TRANSIT PASSAGE" FORMULATION IN STRAITS. PRIME GOI EXPERT, EZEDDINE KAZEMI, IS PRESENTLY IN GENEVA AND HENCE IS UNAVAILABLE TO US FOR AUTHORITATIVE COMMENT ON SIGNIFICANCE OF ABOVE STATEMENT ON "FREE PASSAGE" VIS-A-VIS "TRANSIT PASSAGE".

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS COMMENTS, LAW OF THE SEA, FOREIGN POLICY POSITION, MEETING PROCEEDINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TEHRAN03768
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780173-1030
Format: TEL
From: TEHRAN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780434/aaaabchm.tel
Line Count: 94
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 135479aa-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2899749
Secure: OPEN
Status: NATIVE
Subject: LOS: IRANIAN COMMENTARY
TAGS: PLOS, SOPN, IR
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/135479aa-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014